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4/15/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:  
SACCO, et al.

\* Attorney Docket No.: 3695-0101P

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Serial No.: 09/486,660

Int'l. Application No.: PCT/IT98/00231

\* Art Unit:

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I.A. Filing Date: 08/11/98

\* Examiner:

\*

Title: TRANSGENIC ANIMALS FOR THE  
STUDY OF BIOLOGICAL, PHYSICAL  
AND CHEMICAL TOXIC AGENTS

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\*

**DECLARATION UNDER 37 CFR 1.132**

Box: PCT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, Beatrice Salvador, declare and say as follows:

On November 19, 2001, I contacted Ms. Sylvie Roncucci by telephone, and she orally indicated that she would not sign the application papers.

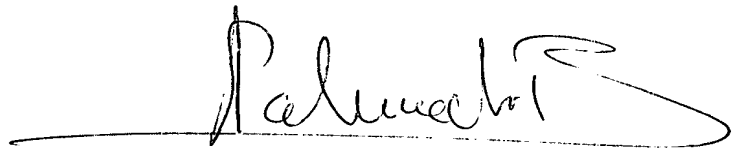
The same day, on November 19, 2001, I mailed a copy of the application papers including a copy of the specification, claims, and drawings of the above-cited U.S. patent application, a Declaration/Power of Attorney form therefore, a copy of the cover letter that accompanied a courier sent to Ms. Sylvie Roncucci on October 10, 2001, and a blank letter for signature in English and its French translation, to Ms. Sylvie Roncucci. The mailing was addressed to Ms Sylvie Roncucci, Via Thaon di Revel, 12, 20159

Milano, Italy. A copy of the cover letter of October 10, 2001 with its corresponding DHL receipt and a copy of the blank letter for signature in English and its French translation are attached.

Ms. Sylvie Roncucci refused to sign the application papers, as evidenced by the attached letter dated November 19, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of this patent application or any patent issued thereon.

Date: 14.03.2002

A handwritten signature in dark ink, appearing to read 'Beatrice Salvador', written over a horizontal line.

Beatrice Salvador

Enclosed:

Letter to Sylvie Roncucci of October 10, 2001 with corresponding DHL receipt  
Two blank letters in English and in French  
Letter from Ms. Sylvie Roncucci of November 19, 2001

# Gene Control S.A.

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BY DHL  
Signora Sylvie Roncucci  
Via Thaon di Revel, 12  
20159 Milano  
Italy

Geneva, 10 october 2001

Subject : « Transgenic animals for the study of biological, physical and chemical toxic agents. » USA Patent Application.

Dear Madam,

Following the instructions of our patent attorneys Me François Bess and André Roland, you will find attached an American Assignment for the New Patent Application.

We received this Assignment which needs to be re-signed due to some administrative reason which escapes us. In addition, this is extremely urgent.

Please have these applications signed also and send them back to Gene Control SA by DHL.

If you have any questions or should you wish to contact us, please do not hesitate.

Thank you in advance.

Yours sincerely,

Dr Peter Bromley  
President & CEO

Enc.

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P.O. Box 227, 1211 Geneva 24, Les Acacias, Switzerland  
Tel : +41 22 3000370, Fax : +41 22 3000372  
e-mail : genecontrol@infomaniak.ch



# Shipment Airwaybill

(Non negotiable)

<b>From (Sender)</b>		<b>To (Receiver)</b>	
Account no. <b>2750604</b>	Sender's name <b>GENE CONTROL S.A.</b>	Company name <b>SARON S.p.A. PAVULLA</b>	Company name <b>SARON S.p.A. PAVULLA</b>
Sender's reference first twelve characters will be shown on invoice		Delivery address DHL cannot deliver to a PO Box <b>Via Thonadi Reol, 10</b>	
Address <b>CASE POSTALE 227 VIE BOISSONNAS 9 GENEVE 24 - SWITZERLAND</b>		Country <b>Italy</b>	
Phone / Fax / E-mail specify one <b>022/300.03.70</b>		Phone / Fax / E-mail specify one <b>Silvia Vercelli</b>	

<b>3 Shipment details</b> Not all payment and service options are available in all countries.		<b>4 Size and weight</b>	
Services	Transport charges if left blank sender pays transport charges	No. of pieces	Weight
<input checked="" type="checkbox"/> DOCUMENT	<input checked="" type="checkbox"/> Sender	<b>1</b>	<b>kg</b>
<input type="checkbox"/> WORLDWIDE PACKAGE EXPRESS all declares	<input type="checkbox"/> Cash / Cheque / Credit Card	Dimensions cm L x W x H	
<input type="checkbox"/> INTRA EC (in free circulation)	<input type="checkbox"/> For approved customers only	<b>x</b>	<b>x</b>
<input type="checkbox"/> EXPRESS DOCUMENT	<input type="checkbox"/> External Billing Agreement		
<input type="checkbox"/> DOMESTIC	<input type="checkbox"/> Transport Collect		
<input type="checkbox"/> WORLDMAIL Airmail/Printed Matter specify one	<input type="checkbox"/> Shipment Insurance		
<input type="checkbox"/> OTHER SERVICE..... Specify	<input type="checkbox"/> YES Insured value give currency		
Full description of contents		VOLUMETRIC/CHARGED WEIGHT	
		<b>kg</b>	
		CODES	
		CHARGES Services	
		Special	
		Insurance	
		Other/VAT	
		CURRENCY CODE	
		TOTAL	
		TRANSPORT COLLECT STICKER No.	
		PAYMENT DETAILS	
		Cheque / Card no.	
		Type	
		PICKED UP BY	
		Route No.	
		Time	
		Date	

<b>Sender's authorisation and signature</b>	
I agree that DHL's standard terms apply to this shipment and limit DHL's liability to the maximum permitted by law. I understand that DHL does not transport cash or dangerous goods (see reverse).	
Signature	Date
<b>Silvia Vercelli</b>	<b>10/10/01</b>

<b>Sender's copy</b>	
I agree that DHL's standard terms apply to this shipment and limit DHL's liability to the maximum permitted by law. I understand that DHL does not transport cash or dangerous goods (see reverse).	
Signature	Date
<b>Silvia Vercelli</b>	<b>10/10/01</b>

Sylvie RONCUCCI  
Via Thaon di Revel, 12  
20159Milano  
ITALIA

Gène Control S.A.  
9, rue de Boissonas  
Bâtiment OPI  
Case Postale 227  
CH-1211 -Genève 24

Milan, le 19 novembre 2001

**Refus de signer les documents relatifs à la demande de brevet :  
Demande de brevet aux Etats-Unis No. 09/486.660 du 28 février 2000  
"TRANSGENIC ANIMALS FOR THE STUDY OF BIOLOGICAL PHYSICAL AND  
CHEMICAL TOXIC AGENTS"**

Mesdames, Messieurs,

J'accuse réception des documents relatifs à la demande de brevet susmentionnée, que vous m'avez envoyés par courrier DHL en date du 25 septembre 2001. Notamment, de la Déclaration cataloguant tous les inventeurs, leur nationalité et leur droit sur l'invention et accompagnée d'une feuille annexée m'étant adressée en tant qu'héritière de l'inventeur M. Roméo RONCUCCI (décédé).

Par la présente, je vous confirme que pour des motifs personnels, je ne signerai pas ladite Déclaration.

Je vous prie d'agréer, Mesdames, Messieurs, l'expression de mes sentiments distingués.

Sylvie Roncucci

Sylvie RONCUCCI  
Via Thaon di Revel, 12  
20159 Milano  
ITALIA

Gene Control S.A.  
9, rue de Boissonas  
Bâtiment OPI  
Case Postale 227  
CH - 1211 - Genève 24

*Milano, November 19, 2001*

***Refusal to sign Application Papers related to:***  
***US Patent Application No. 09/486.660 filed February 28, 2000***  
**"TRANSGENIC ANIMALS FOR THE STUDY OF BIOLOGICAL PHYSICAL AND  
CHEMICAL TOXIC AGENTS"**

*Dear Sirs,*

*I acknowledge safe receipt of the Application Papers concerning the above-mentioned Patent Application, that you sent to me by DHL Courier on September 25, 2001. Namely, the Declaration identifying each inventor, their citizenship and their rights on the invention with an added page at my intention as Heir of the inventor M. Romeo RONCUCCI (deceased).*

*This is to confirm, that for personal reasons, I will not sign said Declaration.*

*Yours Faithfully,*

Sylvie Roncucci

Sylvie RONCUCCI  
Via Thaon di Revel, 12  
20159 Milano  
ITALIA

Gène Control S.A.  
9, rue de Boissonas  
Bâtiment OPI  
Case Postale 227  
CH-1211 -Genève 24

Milan, le 19 novembre 2001

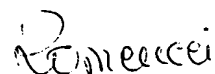
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Par la présente, je vous confirme que pour des motifs personnels, je ne signerai pas ladite Déclaration.

Je vous prie d'agréer, Mesdames, Messieurs, l'expression de mes sentiments distingués.

Sylvie Roncucci



Sylvie RONCUCCI  
Via Thaon di Revel, 12  
20159 Milano  
ITALIA

Gene Control S.A.  
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*Yours Faithfully,*

Sylvie Roncucci

*Roncucci*





PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
SACCO, et al.

Serial No.: 09/486,660

Int'l. Application No.: PCT/IT98/00231

I.A. Filing Date: 08/11/98

Title: TRANSGENIC ANIMALS FOR THE  
STUDY OF BIOLOGICAL, PHYSICAL  
AND CHEMICAL TOXIC AGENTS

\* Attorney Docket No.: 3695-0101P  
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\* Art Unit:  
\*  
\* Examiner:  
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\*

**DECLARATION UNDER 37 CFR 1.132**

Box: PCT  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, Peter Bromley, declare and say as follows:

I am the Peter Bromley who is one of the co-inventors in the subject U.S. patent application. I am also The Chief Executive Officer of Gene Control S.A., a corporation of Switzerland, which is an assignee of a partial interest in the subject U.S. patent application.

I have personally attempted to obtain the signature of Ms. Anne Georgette Cristiane Delachet, guardian of Roxanne Roncucci, a minor heir of our deceased co-inventor Romeo Roncucci.

In a Decision dated November 28, 2001, the PCT Legal Office stated that

... applicants have not sufficiently established that Ms. Delachet's conduct constitutes a refusal to sign the application papers. The application papers included a cover letter which requested a response by 30 September 2001 (see translation of letter dated 25 September 2001). The renewed petition was filed on 28 September 2001, before the requested response period elapsed and merely two days after the apparent receipt of the correspondence. It would be unreasonable to conclude that the failure of Ms. Delachet to respond within two days constitutes a refusal to sign the application papers.

In a Decision dated January 11, 2002, the PCT Legal Office stated that

... applicants have not sufficiently established that Ms. Delachet's conduct constitutes a refusal to sign the application papers for the reasons set forth in the decision mailed 28 November 2001. Furthermore, the exceptionally brief four day period in which Ms. Delachet was required to respond is deemed inadequate.

Ms. Delachet received the correspondence containing the application papers (including specification, claims, drawings, and oath or declaration) on 26 September 2001. (See 11/28/01 Decision, page 4, first paragraph.) Despite my prior attempts to secure her signature – which have been documented in previous correspondence with the USPTO – and despite my urgent request that she respond to my 25 September 2001 correspondence, Ms. Delachet has still, four months later, not signed the documents. Further she has clearly told us that she will not sign these patent documents for personal reasons.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: February 8<sup>th</sup>, 2002.

Peter Bromley.  
Peter Bromley